

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

June 5, 2007

AB 904: PLASTIC AND MARINE DEBRIS REDUCTION

Plastic and packaging waste represents a significant and fast growing component of the state's waste stream. Because plastics do not biodegrade, their proliferation has taken a toll on the environment. Plastic waste that is discarded or blown into the environment often enters our waterways and travels to our oceans. The US Environmental Protection Agency (EPA) estimates that upwards of 80 percent of marine debris originates from land-based human activities, including litter and waste disposal practices. This litter and debris is not simply an aesthetic problem, but poses a real danger to marine organisms through ingestion and entanglement. It also presents a serious threat to water quality and the ability of California's waters and the Pacific Ocean to sustain aquatic life.

Take-out food packaging represents a significant component of this marine debris. According to the California Integrated Waste Management Board, virtually none of the plastic used in food service, including polystyrene, is currently recycled. Even if initially properly discarded, disposable food service packaging can become inadvertent litter, and can be carried by wind from uncovered trash cans and dumpsters, vehicles and landfills.

There are also economic and regulatory ramifications to this waste stream, particularly when it flows to impaired waterways, and thus must meet Total Maximum

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Daily Loads (TMDL) for trash. For example, the TMDLs for the Los Angeles River and the Ballona Creek Watershed require that the amount of trash be reduced to zero. The resources required to achieve this standard will be extensive.

To mitigate the impact of take-out food packaging, Assembly Member Mike Feuer introduced Assembly Bill (AB) 904 on February 22, 2007. Specifically, AB 904 requires that, on and after July 1, 2010, take-out food providers use food packaging materials that are compatible with recycling or composting programs serving 60% of the households in the state or programs serving 60% of households in the city or unincorporated area of the county in which the take-out food provider distributes the packaging. In addition, on or after July 1, 2012, the bill would prohibit any food provider from distributing food packaging that is not being recovered for composting or recycling at a rate of 25 percent or better. Take-out food providers that violate the bill would be subject to fines of up to \$100 per day for each day out of compliance, with a maximum annual total fine of \$10,000. Fines would be deposited into a Marine Debris Reduction Account to provide public education and assist local governments in reducing plastic waste and marine debris.

I, THEREFORE, MOVE that the Board of Supervisors: (1) instruct the County's Sacramento advocates to support AB 904 (Feuer) to phase out the use of food packaging that cannot be recycled or composted in communities where it is distributed; (2) instruct the Executive Office to send a five-signature letter to Assembly Member Feuer, the Assembly Speaker, the Senate President Pro Tem, the Assembly Appropriations Committee, and the Los Angeles County Legislative Delegation expressing the Board of Supervisors' support of AB 904; and, (3) instruct the Chief Administrative Officer to continue to pursue legislation which promotes market development and manufacturer stewardship of food packaging products.